

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

UNITED STATES OF AMERICA	§	
	§	
v.	§	CRIMINAL ACTION NO. 4:11-CR-21
	§	
MIKE DOUGLAS STOKER (1)	§	

**AMENDED REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE**

Now before the Court is the request for revocation of Defendant's supervised release. After the District Judge referred the matter to this Court for a report and recommendation, the Court conducted a hearing on March 6, 2018, to determine whether Defendant violated his supervised release. Defendant was represented by Robert Arrambide. The Government was represented by Lesley Brooks.

Mike Douglas Stoker was sentenced on January 17, 2012, before the Honorable Marcia A. Crone of the Eastern District of Texas after pleading guilty to the offense of Felon in Possession of a Firearm and Ammunition, a Class C felony. This offense carried a statutory maximum imprisonment term of not more than ten (10) years. The guideline imprisonment range, based on a total offense level of 21 and a criminal history category of VI, was 77 to 96 months. Mike Douglas Stoker was subsequently sentenced to 77 months imprisonment followed by a three (3) year term of supervised release subject to the standard conditions of release, plus special conditions to include financial disclosure, drug testing and treatment, obtain a General Equivalency Degree (GED), pay delinquent child support, and a \$100 special assessment. On September 28, 2016, Mike Douglas Stoker completed his period of imprisonment and began service of the supervision term.

On October 15, 2017, the U.S. Probation Officer executed a Petition for Warrant or Summons for Offender Under Supervision [Dkt.48 Sealed]. The Petition asserted that Defendant violated two (2) conditions of supervision, as follows: (1) Defendant shall not commit another federal, state, or local crime; and (2) Defendant shall refrain from any unlawful use of a controlled substance; (3) Defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician; (4) Defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer; and (5) Defendant shall participate in a program of testing and treatment for drug abuse, under the guidance and direction of the U.S. Probation Office, until such time as the defendant is release from the program by the probation officer.

The Petition alleges that Defendant committed the following acts: (1) On July 31, 2017, Defendant was instructed to submit a urinalysis at Addiction Treatment Resources, McKinney, Texas, a random drug testing vendor site. During the specimen voiding process, the Defendant was observed by staff, Robert Nicholson, attempting to use a device designed to falsify a drug test result, in violation of Texas Health and Safety Code Section 481.133, a Class B Misdemeanor; (2) and (3) On July 17, 2017, Defendant submitted a urine specimen which tested positive for methamphetamine. The Defendant admitted both verbally and in writing to prior use of methamphetamine. On July 26, 2017, Defendant submitted a urine specimen, which tested positive for methamphetamine. The specimen was sent to Alere Laboratories and confirmed positive for methamphetamine. On August 4, 2017, Defendant submitted a urine specimen, which tested positive for methamphetamine. The Defendant admitted verbally and in writing to use of

methamphetamine on August 2, 2017. On August 23, 2017, Defendant submitted to a urine specimen, which tested positive for methamphetamine. The specimen was sent to Alere Laboratories and confirmed positive for methamphetamine. On September 5, 2017, the Defendant submitted a urine specimen, which tested positive for methamphetamine. The specimen was sent to Alere Laboratories and confirmed positive for methamphetamine; (4) Per the offense report received from the Grayson County Sheriff's Office, Defendant associated with an individual engaged in criminal activity (committing Theft of Property) on June 28, 2017; and (5) Defendant failed to attend substance abuse evaluation scheduled with Fletcher Counseling, Inc., on August 19, 2017. Defendant failed to call and reschedule the substance abuse evaluation. Defendant failed to report for drug testing as scheduled at Addiction Treatment Resources, McKinney, Texas, on September 13, September 15, and September 19, 2017.

Prior to the Government putting on its case, Defendant entered a plea of true to all of the allegations of the Petition. Having considered the Petition and the plea of true to all five (5) allegations of the Petition, the Court finds that Defendant did violate his conditions of supervised release.

Defendant waived his right to allocate before the District Judge and his right to object to the report and recommendation of this Court.

RECOMMENDATION

Pursuant to the Sentencing Reform Act of 1984, the Court recommends that Defendant's supervised release be revoked and that he be committed to the custody of the Bureau of Prisons to be imprisoned for a term of twenty-one (21) months of imprisonment with no term of supervised release to follow.

The Court also recommends that Defendant be housed in the Bureau of Prisons El Reno, Oklahoma facility, if appropriate.

SIGNED this 15th day of March, 2018.

A handwritten signature in black ink, appearing to be 'C.A. Nowak', written over a horizontal line.

Christine A. Nowak
UNITED STATES MAGISTRATE JUDGE